

8-30-06

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

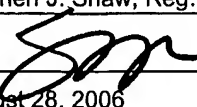
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

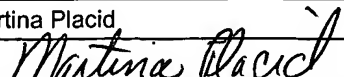
Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

ZRW
AF

TRANSMITTAL FORM (to be used for all correspondence after initial filing) AUG 28 2006 PATENT & TRADEMARK OFFICE	Application Number	10/040,578	
	Filing Date	December 28, 2001	
	First Named Inventor	David J. Long	
	Group Art Unit	2192	
	Examiner Name	PHAM, CHRYSTINE	
Total Number of Pages in This Submission	5	Attorney Docket Number	50277-1766

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition To Convert To a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return receipt postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Hickman Palermo Truong & Becker LLP Stephen J. Shaw, Reg. No. 56,442
Signature	
Date	August 28, 2006

CERTIFICATE OF MAILING			
Express Mail" mailing label number <u>EV 897850469 US</u>		Date of Deposit: <u>August 28, 2006</u>	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Type or printed name	Martina Placid		
Signature		Date	August 28, 2006

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

Confirmation No.: 3641

David J. Long, et al.

Examiner: Pham, C.

Serial No.: 10/040,578

Group Art Unit No.: 2192

Filed on: December 28, 2001

For: PROPERTY BUNDLES ON A PER-
INSTANCE BASIS

MS Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 CFR § 1.193(b)(1)

Sir:

This is in response to the Examiner's Answer mailed June 26, 2006, the shortened statutory period for which runs until August 26, 2006. By virtue of August 26, 2006 falling on a Saturday, the shortened statutory period expires on August 28, 2006.

REMARKS

The Applicant respectfully submits to the Honorable Board that the Examiner's Answer does not provide sufficient evidence or reasoning to justify upholding the imposed rejections, for the reasons stated in Applicant's Brief and in this Reply.

I. Attributes are not attribute values

As is well known to those in the computer science field, an attribute is not the same thing as an attribute value. However, from the Examiners' Answer, it appears that the present rejections are the result of confusing "attributes" with "attribute values".

An attribute of a class defines a storage structure that is allocated for all instances of the class. For example, an object class "person" may have an attribute "Age" which is of type Integer. Consequently, all instances of class "person" will include storage for storing an Integer for the attribute Age.

In contrast, an attribute **value** is the value that is stored in the storage structure of an attribute of an instance of the object class. Thus, an instance of class "person" will have storage for holding an integer for the "Age" attribute. At different points in time the value stored in the Age attribute of an instance may change. However, such changes to attribute **values** do not change the attributes themselves. Specifically, "Age" does not cease to be an attribute of the class "person" simply because a particular value is stored in the Age attribute of a particular object instance.

With the distinction between "attributes" and "attribute values" in mind, it is believed that the problems with the Examiner's Answer are readily apparent. Specifically, it should be clear that adding items to a collection does not add attributes to an object instance that contains the collection.

II. Adding items to a collection does not add attributes to the object instance that contains the collection

As a preliminary matter, it is noted that the Applicants and the Examiner agree on a variety of points. For example, both the Applicants and the Examiner agree that:

- the collection “Orders_for_Customer” is an attribute of the Customer Class 420; and
- an “order” is not an attribute of class Customer, or any superclass of class Customer

In the Examiner’s Answer, the Examiner appears to contend that adding an “order” to the “Orders_for_Customer” collection of an instance of the Customer Class causes the instance of the Customer Class to have an attribute that is not in the Customer Class. However, adding an “order” to the “Orders_for_Customer” collection of an instance of the Customer Class is **merely a change in the attribute value of the “Orders_for_Customer” attribute**. (The attribute value of a collection attribute is changed by adding or removing items from the collection).

Ng discloses that the Customer Class 420 has an attribute (collection “Orders_for_Customer”) that is a collection of the Order Class 424. This attribute is in the Customer Class 420 and each instance of the Customer Class 420. There is nothing in Ng to indicate otherwise.

Just as an instance of the Order Class 424 is not an attribute of the Customer Class 420 (see FIG. 4B), neither is it an attribute of any **instance** of the Customer Class 420. No new attributes are added to the instance, only the value or content of the attribute changes. All instances of the Customer Class 420 have the same attributes, one of which is called collection “Orders_for_Customer.”

The Examiner states, “As can be seen from FIG. 4B, no attributes of Class Customer can be found, which are of type Order.” For the Examiner’s position to be consistent, attributes of **type Order** must be found in an **instance** of Class Customer for Ng to anticipate the claimed feature “associating with said instance of said class an attribute that is not in said class,” because the attribute **not in said class** must be **associated with [an] instance of said class**.

This is impossible given the Examiner’s earlier assertion that “it is the collection of objects representing one or more instances of class Order 424 that is defined as an attribute of class Customer 420, and **not the actual instances** of class Order 424.” If the collection does not contain actual instances of class Order 424, the contents of the collection cannot be of type Order.

Thus, either the collection contains actual instances of type Order, in which case the association between the attribute (i.e., order) and an instance of the class Customer causes the actual instance of class Order to become an attribute of class Customer, or the collection does not contain any actual instances of type Order, in which case the claimed feature "associating with said instance of said class an attribute that is not in said class" is not anticipated.

Appellants respectfully submit that the imposed rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) are **not** viable and respectfully solicit the Honorable Board to **reverse** each of the imposed rejections.

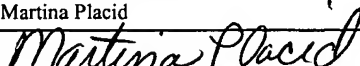
Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP



Date: August 28, 2006

Stephen J. Shaw
Registration No. 56,442

2055 Gateway Place, Suite 550
San Jose, California 95110-1089
Tel: (408) 414-1224
Fax: (408) 414-1076

CERTIFICATE OF MAILING			
Express Mail" mailing label number <u>EV 897850469 US</u> Date of Deposit: <u>August 28, 2006</u>			
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Type or printed name	Martina Placid		
Signature		Date	August 28, 2006